

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERMAN ROMAN MEDINA,

Plaintiff,

v.

ORDER

JOHN AND VITO’S ITALIAN DELI INC.,

23-CV-05077 (PMH)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

Plaintiff Evelyn German Roman Medina (“Plaintiff”) commenced this action on June 15, 2023 against Defendant John and Vito’s Italian Deli Inc. (“Defendant”). (Doc. 1). On November 6, 2023, Plaintiff obtained a Clerk’s Certificate of Default as to Defendant. (Doc. 12). On November 17, 2023, the Court entered an Order to Show Cause for Default Judgment (“OSC”), directing that Defendant show cause by December 22, 2023, why a default judgment should not be entered. (Doc. 19). Any reply papers were due on or before December 29, 2023. (*Id.*).

Pursuant to the OSC, Plaintiff was required to serve the OSC and underlying papers upon Defendant “via its registered agent designated for service in New York, the state of Defendant’s incorporation, as well as service by Federal Express Mail to its last known address at 135 Chatsworth Avenue, New York, NY 10538.” (*Id.*). On December 6, 2023, Plaintiff filed an affidavit of service indicating that the OSC and underlying papers were served on Defendant by Federal Express Mail to its last known address. (Doc. 21). Plaintiff does not, however, indicate that service of the OSC and underlying papers was made via Defendant’s registered agent designated for service in New York. Accordingly, Plaintiff failed to properly serve Defendant.

In order to afford Plaintiff an opportunity to resolve the service issue, a revised order to show cause will be docketed separately which extends the deadlines contained in the OSC (Doc. 19).

SO-ORDERED:

Dated: White Plains, New York
December 29, 2023

A handwritten signature in black ink, appearing to read 'PHM', is written above a horizontal line.

Philip M. Halpern
United States District Judge